

EXHIBIT H

Disciplinary#
3564

SCI Sussex Correctional Institution

Date: 07/07/2004

PO Box 500

423

GEORGETOWN DE, 19947

Phone No. 302-856-5280

DISCIPLINARY REPORT

Disciplinary Type: Class 1

Housing Unit: Adult Male Security

R# 7002

SB#	Inmate Name	Inst. Name	Location of Incident	Date	Time
00313356	Jones, Robbie D	SCI	Other	07/06/2004	20:35

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 4.17/200.215 Inciting a Riot.

Witnesses: 1. Biles, Barry

2. N/A

3. N/A

Description of Alleged Violation:

On The Above Date And Time, Sgt. Biles Observed I/M Jones Hollering At C/O D. West And C/O C. West In The Gym Yard. When Sgt. Biles Told I/M Jones To Move On, He Began To Encourage The Other Inmates In The Yard To Join In. It Wasn't Until Sgt. Biles Began To Approach The Area That I/M Jones Moved. When Sgt. Biles Called For I/M Jones Back Inside The Building To Come Into The Office, I/M Jones Came Down The Steps Shouting "What The Fuck Is This About?" "I Didn't Say Shit." Sgt. Biles Then Told I/M Jones To Sit Down And Be Quiet. I/M Jones Then Stepped Up To Sgt. Biles In A Very Threatening Manner, Raised Both Hands And Said "You Can't Make Me Sit The Fuck Down, What The Fuck Is Next." Sgt. Biles Then Physically Restrained I/M Jones Handcuffed Him And Escorted Him To Asda.

Reporting Officer: Biles, Barry T (CO Corporal/Sgt. - Large Inst.)

Immediate action taken:

Immediate action taken by: Biles, Barry T - CO Corporal/Sgt. - Large Inst.

Reports Submitted.

Offender Disposition Details:

Disposition: N/A

Date: N/A

Time: N/A

Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approved: **Disapproved:** **Approved By:** Wilkinson, David W (Shift Commander - Large Inst.)

Comments: Discp. Lt. D. West

Date Received: _____ **Time:** _____ **Received From:** _____

Shift Supervisor Determination:

- Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

David W. Wilkinson
Wilkinson, David W (Shift Commander - Large Inst.)

I have received a copy of this notice on DATE: 7/11/04 TIME: 18⁰⁰ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

**Preliminary Hearing
Officer:**

LT D.E.W.

Offender:

Robbie D. Jones
Jones, Robbie D

**OFFICE OF DISCIPLINARY HEARING
FOR CLASS II/CLASS I OFFENSE**

TO: Inmate: _____ **Number:** 311356 **Location:** S.C.I.

1. You are hereby ordered to appear before Hearing Officer _____ after _____, after _____, at _____ S.C.I. HEARING OFFICE (Time of Day) _____ (Date) _____ (Location)

2. At the time, a hearing will be held to determine whether you violated the following Institutional Rule(s) as alleged in the attached Disciplinary Report: (State specific rule violated)

3. A Class II Offense is a rule violation in which the extent of the sanction imposed shall be restricted to: a. Written Reprimand; b. Loss of one or more privileges for a period of time of more than 24 hours but less than 5 days; c. Confinement to assigned quarters not to exceed 5 days.

4. A Class I Offense is a rule violation in which the extent of the sanction to be imposed shall be restricted to: a. Loss of one or more privileges for a period of time of more than 24 hours but less than 90 days; b. Confinement to assigned quarters for a period of time not to exceed 15 days; c. Isolation confinement for a period of time not to exceed 90 days; d. Loss of good time for a period of time not to exceed up to all earned good time; e. Restitution. Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.

5. You have rights in the disciplinary process as stated on the back of this page. These have been fully explained to you at the time of this notification.

I certify that on _____ at _____, (1) I served upon the above inmate Notice of (Date) _____ (Time) Disciplinary Hearing for Class I/Class II Offense, and (2) the Disciplinary Report is attached hereto.

(EMPLOYEE SIGNATURE)

(INMATE SIGNATURE)

Class II Offense Inmate Rights in the Disciplinary Process

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent your silence will not be considered against you at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the Hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reasons for such exclusions shall be stated in writing.

Impartial Hearing Officer: You have the right to be heard by an impartial Hearing Officer who shall not have witnessed the incident in question, been involved in preparation of the charge, or otherwise biased against you. Such Hearing Officer shall not have had supervisory responsibility over you during the six months immediately preceding the hearing and shall be of a rank no lower than Sergeant..

Make Statement and Present Evidence: You have the right to make a statement and present any reasonable evidence, including written statements from others, in your behalf.

Record of Findings: You have the right to receive a written record of the disciplinary hearing. Such records shall state the findings of the Hearing Officer, summarize the evidence relied upon, and will state the sanctions imposed if any.

Appeal: You have the right to appeal the decision of the Class II Hearing Officer to the Class I Hearing Officer. At the Disciplinary Hearing you will be provided with an appeal form. Execution of any sanctions imposed by the Hearing Officer UNLESS YOU INDICATE ON THE APPEAL FORM THAT YOU DO NOT INTEND TO APPEAL.

DR#
3564

HEARINGS

SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280

Date: 07/15/2004

DISCIPLINARY HEARING DECISION

Inmate Name: [REDACTED] SBI: [REDACTED] Type: [REDACTED]
 Institution: [REDACTED] Hearing Date: [REDACTED] Time: [REDACTED]

Inmate Present: Yes Reason(If No): N/A

Violation: 1.06/200.203 Disorderly or Threatening Behavior, 1.17/200.215 Inciting a Riot

Inmate PLEA: Not Guilty

Inmate Statement: I was yelling at her and her son, but I didn't threaten anyone.

Witness Name: Biles, Barry

Testimony : N/A

Decision :Guilty

Rational :based on the officers report he is guilty of 1.06 and not guilty of 1.17

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Hennessy, Melvin C

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I DO DO NOT INTEND TO APPEAL**INMATE's SIGNATURE****ORDER TO IMPLEMENT SANCTIONS**

Inmate does not wish to appeal
 Sanctions have been modified

Appeal has been denied by Commissioner or Designee
 Time Limit(72 Hours since hearing) for appeal has expired

It is hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	07/16/2004	15	07/31/2004

STATE OF DELAWARE
DEPARTMENT OF CORRECTIONCLASS I CLASS II

DISCIPLINARY HEARING DECISION

DR#: 2004 823

INMATE NAME: Robbie Jones INST#: 313.356 HEARING DATE: 7/13/07
 TIME: INMATE PRESENT: YES () NO REASON:

WITNESSES PRESENT: 1. 2. 3.

VIOLATION: 1.06

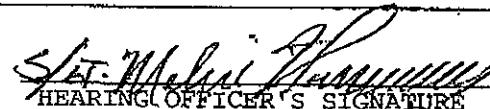
PLEA: () GUILTY NOT GUILTY () OTHER:

INMATE STATEMENT:

WITNESS STATEMENT:

DECISION: GUILTY () NOT GUILTY RATIONALE: Based on the offense Report

SANCTION: 15 DAYS LOA


 HEARING OFFICER'S SIGNATURE

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class II Hearing decision.

I DO DO NOT INTEND TO APPEAL.

 INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- () Inmate does not wish to appeal.
- () Time limit for appeal has expired.
- () Appeal has been denied.
- () Sanctions have been modified on appeal to:

It is hereby ordered to implement the sanctions or modified sanctions on:
 DATE: _____ and TIME: _____

FORM #: 118 (SCI)

RECORD OF DISCIPLINARY HEARING

SHORT FORM

ASD/H

Number 313356	Commitment Name Robbie Jones	Institution	Case Number 2009423
			Date of Hearing 7-12-04
			Time of Hearing

1. Hearing Officer's Decision:

Guilty Not Guilty Probation Further Investigation Needed

2. Sanction Imposed:

15 Days loss

3. Stay of Sanction:

Execution will be stayed.
Reason:
agreed

Execution will not be stayed.
Reason:

I verify receiving a copy of sanction this date:

Robbie D. Jones 7/13/04
Inmate Signature and Date

Sgt. Michael Kammeyer
Signature of Hearing Officer

STATE OF DELAWARE
DEPARTMENT OF CORRECTIONCLASS I CLASS II APPEAL NOTICE

DR#:

INMATE NAME: ROBBIE DEVONDALE JONESINST#: BUSOG CORPDATE: JULY 13th 2004HEARING DATE: JULY 13th 2004VIOLATION: THREATENING Behavior / INCREASING A RISKHEARING DECISION: GUILTY OF THREATENING Behavior (DROPPED); INCREASING A RISKSANCTION: 15 DAYS LOSS OF ALL PRIVILEGES

I understand I have 72 hours in which to file a written notice of appeal to the Class I Hearing Officer in the case of an appeal from a Class II Hearing decision or to the Warden in the case of an appeal from a Class I Hearing decision.

APPEAL: I've provided a list of witnesses, including THREE (3) OFFICERS WHO NEED TO BE INTERVIEWED BEFORE ANY VERDICT COULD BE REACHED. I BELIEVE I HAVE ENOUGH EVIDENCE TO BE FOUND NOT GUILTY AND BEING (CIVIL/CIVILIAN) CHARGED AGAINST OFFICER (SGT. BELL) IN QUESTION. IF RESOLVED IN MY FAVOR I'D LIKE TO EITHER TRANSFER TO MPCJF OR BACK TO D-TEER BUNK #3

- | | | | |
|----------------------|---------------------|----------------------|----------------------|
| 1) C/O T. BANKS | 12) TYROSE HAZZARD | 23) ROBERT BROOKLY | 34) GEORGE JOHNSON |
| 2) C/O D. SEYMOUR | 13) MICHAEL LAMBERT | 24) WAYNE BEADLE | 35) STEPHEN DESFIELD |
| 3) C/O W. JACKSON | 14) ALICE BOOTH | 25) MIKE McGEE | 36) JERMAINE MILLS |
| 4) DANNON BIRMINGHAM | 15) TRACY SHERWOOD | 26) ROBERT JOHNSON | 37) ADAM BIASE |
| 5) AL-SHAREEF HARRIS | 16) DONALD COONEY | 27) DONALD TORRES | 38) BEN SAWYERS |
| 6) BERNARD REYES | 17) ROSE BAILEY | 28) WILLIAM WALTHAM | 39) ANNE PARKER |
| 7) AARON BELL | 18) TERELLE BELLE | 29) JOE BENNETT | 40) ANY I/M |
| 8) JOSEPH VINCENT | 19) ROLANDO PUZZ | 30) RICKY NECKMAN | PRESENT AT GYM |
| 9) DONALD PAULS | 20) TOM MALLON | 31) SAM JONES | OR ON C. HOLD |
| 10) LATIWA DEANTRON | 21) ED BESTELLE | 32) DAVID STANGELIER | TERMS AS OF |
| 11) RANDOLPH GRAHAM | 22) GARY JOHNSON | 33) FRANK BOY | 7-6-04 |

INMATE'S SIGNATURE



APPEAL DECISION:

DR#

3564

SCI Sussex Correctional Institution

**PO Box 500
GEORGETOWN DE, 19947
Phone No. 302-856-5280**

Date: 08/03/2007

Initiator : Jones, Robbi D	SBH50093956	Type: CLASS
Institution:SCI Sussex Correctional Institution	Hearing Date: 07/13/2007	None

MEMORANDUM**To : Jones, Robbi D****From : Warden****RE : APPEAL DECISION****1. Loss of All Privileges**Your appeal Accepted DeniedThe decision of hearing Affirmed Reversed Remanded for further proceedingsThe sanction imposed by hearing officer will Remain as imposed by the Hearing Officer Reduced**The basis of this decision is as follows :**

I concur with the hearing officer, the sanction is appropriate.

This report has been reviewed by Delay, Michael E**Date Reviewed**